
REFERENCE: Electronic WIC Procedure Manual
<http://apps.sd.gov/applications/ph01icds/ph01icdsnet/index.aspx>

CIVIL RIGHTS

GOAL: Compliance with the requirements of Title VI of the Civil Rights Act of 1964, with USDA, Food and Nutrition Service, 7 CFR, Part 15, and the regulations as mandated by Public Law 95-625 and SDCL, Sections 20-12.

Objective:

To insure that no part of the administrative or service unit of the South Dakota WIC Program discriminates against any individual applicant or prospective or current employee, for reasons of race, color, national origin, sex, age, or disability.

Implementation:

A. Civil Rights Training

Training on Civil Rights data collection, enforcement and handling of complaints is provided to new professional and clerical staff during orientation. Monitoring in regards to the Local Agency's compliance is done during management evaluation office site reviews. Local agency in-services are provided with Civil Rights updating. An annual training is required to all staff via electronically, in-services or memorandum. Staff will be trained in the following areas:

- Collection and use of Civil Rights data
- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements of reasonable accommodations of persons with disabilities
- Requirements for language assistance
- Conflict resolution and
- Customer Service

B. Public Notification

Outreach shall be conducted in accordance with the non-discrimination requirements. All Local Agencies and their clinics will prominently display the non-discrimination poster, "And Justice for All", supplied by USDA. All outreach materials, except nutrition education materials shall include a civil rights statement that states standards for the Program are the same for everyone, regardless of race, color, national origin, sex, age, or disability. This statement must be in the same font size as the printed material. In the event the statement is too long and won't fit on the material the abbreviated statement "This institution is an equal opportunity provider" may be used.

The State Office shall supply to Local Agencies which serve non-English or limited English speaking participants, certification materials, Rights and Obligation Statements and Program information in the appropriate language as possible.

Annually, State and Local Agencies will publish information about the WIC Program in local newspapers. Other media should also be used to the extent possible such as radio/television, pamphlets/fliers and grassroots organizations. The purpose of the notification system is to inform participants and potentially eligible persons of Program availability, Program rights and responsibilities and policy of nondiscrimination and the procedure for filing a complaint.

Public Service Announcements must include:

- Program Availability
- Hours of operation
- Location of clinics
- Complaint Information
- How to file a complaint
- WIC Nondiscrimination Statement

The full WIC Nondiscrimination Statement will read:

“In accordance with Federal law and U.S. Department of agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, sex and disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.”

Since Public Service Announcements are short in nature, the abbreviated nondiscrimination statement may be used:

“This institution is an equal opportunity provider.”

C. Compliance Reviews

During the biannual Management Evaluation/office site review to each Local Agency, the State Agency shall include a review of files, including the file of those denied program benefits, to specifically screen racial/ethnic data for possible discrimination. The management Evaluation Form includes a group of guidelines/questions for evaluating local agency policies, in regards to compliance with Civil Rights directives.

State and Local Agencies will conduct impact analysis studies when a potential change in the location of a Local Agency occurs. An impact analysis study must be conducted to determine if there will be an adverse effect on participants utilizing Program. For example: it would not be appropriate to move a local clinic from a bus route used by a large number of participants who have no means of transportation to a location where bus service is not provided. This could create a barrier to receiving WIC services and thought of as a discriminatory action. This information will be collected and submitted to the Regional Office with demographic maps, racial composition of affected neighborhoods and census data.

D. Data Collection

Racial/Ethnic participation data will be collected and maintained in such a way as to prevent its use for discriminatory purposes. Participants are asked to identify their racial

group, after it has been explained and they understand that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the Program. Refusal to provide this information in no way will affect eligibility.

The minimum categories for data on race and ethnicity for Federal statistics, program administrative reporting and civil rights compliance reporting are defined by OMB as follows:

Ethnicity

- **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."

Race

- **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American.** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."
- **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White.** A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

Monthly, the computer generates a report of the number of women, infants and children participants according to racial/ethnic guidelines. Only persons actually receiving food instruments in the reporting month are counted.

E. Miscellaneous

Lawsuits:

No lawsuits or complaints have been filed against the State Agency alleging discrimination on the basis of race, color, national origin, age, sex, or disability.

Other Federal Assistance:

No applications have been received from other federal agencies requesting assistance. No assistance has been provided for another federal agency in the past and none is being contemplated for the future.

Evaluation:

Accomplishment of objective - no discrimination in the South Dakota WIC Program.

CIVIL RIGHTS COMPLAINT HANDLING

To establish procedures to be followed for handling any complaints alleging discrimination based on race, color, national origin, sex, age, or disability.

PROCEDURE

- Any person alleging discrimination based on race, color, national origin, sex, age, or disability, has a right to file a Civil Rights complaint within 180 days of the alleged discriminatory action.
 - USDA or State Office has 10 days upon receipt of complaint to review information and 90 days to finalize.
- Any Civil Rights discrimination complaint received, verbal or written, requires the attention of the Local Agency and must be sent to USDA or State Office within 10 days upon receipt.
 - All Civil Rights complaints shall be accepted.
 - The Local Agency must acknowledge any clear expression of a participant/applicant's complaint of discrimination.
 - Local Agency staff will not intimidate, threaten, retaliate or discriminate against a person who has made a complaint.
 - After recognizing civil rights complaint from applicant/participant, Local agency staff will visit with them if problem can be resolved.
 - If no resolution, acceptance of Civil Rights complaints may be done on anyone of the following forms but not limited to:
 - Civil Rights Complaint Form: Local Agency provide a copy of the Civil Rights Complaint form for the applicant/participant to complete and submit directly to the Office of Civil Rights address provided on the form.
 - Verbal From Applicant/Participant: Person may refuse or is not able to complete Civil Rights complaint form. Local Agency or State Office staff will complete a Civil Rights Complaint form for the applicant/participant and submit to the Office of Civil Rights.
 - Letter From Applicant/Participant: Person submits a letter stating a civil rights complaint. Local Agency will submit letter to Office of Civil Rights.

Civil Rights Complaints Must Be Submitted To

USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY).

- Local Agency staff will notify the State Office Program Operations Specialist or WIC Director upon receipt of any alleged civil rights complaint. Notification will be sent to State Office via email with information relating to the civil rights complain. Information should include the following:
 - Date complaint received
 - Name, address & telephone # of complainant
 - Nature of complaint
 - Date referred to USDA
- Local Agency staff will copy the email message sent to State Office and file in participant's chart.

Civil Rights Complaint Log

- State Office will maintain a Civil Rights Complaint Log of all complaints received.